

From: Gervais, Gregory
Sent: Thursday, May 08, 2014 8:00 AM
To: Kelly Wright
Cc: Fonseca, Silvina; Fiedler, Linda; Adam, Michael; jgrant@jillgrantlaw.com; dreisman@cinci.rr.com; susanh@ida.net; Rochlin, Kevin
Subject: FW: EMF FMC Independent Review -- Project Plan and Work Order Conference Call
Attachments: 20140307_Preliminary Plan for P4 Technology Review.docx

Kelly,

As we just discussed on the phone, you did not receive this email and will be checking with your IT department to determine whether emails from EPA headquarters have inadvertently been flagged as spam and not delivered to you. You indicated you would phone me if you do not receive the re-send of the message.

Thanks again for talking with me. You'll (hopefully) receive a separate email from me indicating that EPA headquarters has secured a third party meeting facilitator to assist the Tribes and us with proceeding with completing the project plan and Interagency Agreement work order for the independent review. The 5/15 conference call we had previously scheduled will now be used for the Tribes' representatives and EPA headquarters to meet the facilitator and provide her with information that will allow her to plan for facilitating our in-person meeting the week of 6/9 in Salt Lake City. Finally, as we discussed, EPA Region 10 has proceeded with amending your Cooperative Agreement to provide additional travel funds. This should address your request for funds sufficient to enable travel for the Tribes' representatives for the SLC meeting, as well as the eventual site visit by the Argonne independent team. If you have questions about the CA, please let Mike Adam of my office or Ricardo Solis of Region 10 know.

If you have any questions or issues, please don't hesitate to let me know.

Best,

Greg

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Greg Gervais, P.E.
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From: Gervais, Gregory
Sent: Wednesday, April 30, 2014 3:37 PM
To: 'Kelly Wright'
Cc: Fonseca, Silvina; Fiedler, Linda; Adam, Michael; jgrant@jillgrantlaw.com; dreisman@cinci.rr.com; susanh@ida.net; Rochlin, Kevin
Subject: RE: EMF FMC Independent Review -- Project Plan and Work Order Conference Call

Kelly,

Thanks for the response back and the clarification on your availability. Given the uncertainties associated with Susan's and your availability via phone on 5/15, I suggest the following:

1. Use the 5/15 conference call time for EPA OSRTI team and the available Tribes' representatives to hold a conference call with the meeting facilitator we are procuring. This will allow us to talk about meeting structure/ground rules and get to know each other prior to the in-person meeting. We will not plan to hold a project plan or work order discussion conference call prior to meeting in-person.
2. Tribes' representatives review the EPA draft project plan and draft work order (sent to you on 3/7/14; is attached here again for your convenience) and provide comments via email to Greg Gervais by 5/30/14.
3. Conduct project plan and work order meeting in Salt Lake City the week of 6/9/14. ****Please identify which day that week would work best for the Tribes' representatives to meet with us in person.**** EPA would like to schedule this meeting soon, so that we can sort out logistics issues with you (including item 4 below).

4. EPA is proceeding with an amendment to the Cooperative Agreement with the Tribes to provide additional travel funding for the week of 6/9/14 meeting, in addition to the travel funds previously applied to the CA. I understand Ricardo Solis of Region 10 is working with Mike Adam of my office on this funding action.

If possible, I'd like to have a quick phone call with you to verify the above is reasonable and that we can proceed. Please let me know when we can talk.

Best regards,

Greg

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From: Kelly Wright [<mailto:kwright@sbtribes.com>]
Sent: Wednesday, April 23, 2014 1:38 PM
To: Gervais, Gregory; susanh@ida.net
Cc: Fonseca, Silvina; Fiedler, Linda; Adam, Michael; jgrant@jillgrantlaw.com; dreisman@cinci.rr.com
Subject: RE: EMF FMC Independent Review -- Project Plan and Work Order Conference Call

Greg, sorry but I did not get the earlier message as stated by David. I will also use this as my acceptance notification. Thanks for following up. I'm on jury duty for the first two weeks of May but will make every effort possible to be on a call this week.
Thanks
Kelly

From: Gervais, Gregory [<mailto:Gervais.Gregory@epa.gov>]
Sent: Wednesday, April 23, 2014 6:57 AM
To: susanh@ida.net
Cc: Fonseca, Silvina; Fiedler, Linda; Adam, Michael; jgrant@jillgrantlaw.com; Kelly Wright; dreisman@cinci.rr.com
Subject: RE: EMF FMC Independent Review -- Project Plan and Work Order Conference Call

Susan,

The calendar invite should be 'tuned' to your time zone, and we are scheduled for 2-3:30p EDT on 5/15. I don't recall whether part of Mountain Time stay standard or not, so I'm not sure if you're Standard or Daylight time. Would be the difference of 12p vs. 11a for your start time, compared with EDT. Hope that helps.

Many thanks,

Greg

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From: Susan Hanson [<mailto:susanh@ida.net>]
Sent: Wednesday, April 23, 2014 8:51 AM
To: Gervais, Gregory
Cc: Fonseca, Silvina; Fiedler, Linda; Adam, Michael; jgrant@jillgrantlaw.com; Kelly Wright; dreisman@cinci.rr.com

Subject: Re: EMF FMC Independent Review -- Project Plan and Work Order Conference Call

Greg,

I am traveling Thursday May 15 in meeting but will try and step out for the call. Is the scheduled time MST?

Susan Hanson

On Apr 23, 2014, at 6:33 AM, "Gervais, Gregory" <Gervais.Gregory@epa.gov> wrote:

I have not gotten a response from Kelly, Susan or David. At your earliest opportunity please accept or decline this conference call invitation.

Also, we are working to secure a 3rd party facilitator for this call and will invite you to a planning call we'll have with the facilitator on or about 5/9 to establish ground rules for the call and clarify objectives for the facilitator. We would plan to use the same facilitator for an in-person meeting the week of 6/9 if we're unable to complete the project plan and Argonne's work order language by then. Thanks!

<mime-attachment.ics>

**Preliminary Project Plan for
Independent Review of Elemental Phosphorus Remediation
Phase 1: Technology Review
(Draft 3/7/14)**

1. **Purpose of Study:** To frame and conduct “an independent review of excavation and treatment technologies for soil contaminated with elemental phosphorus at the FMC Operable Unit. The results of this unique effort will ultimately supplement the extensive evaluation of treatment technologies reflected in the administrative record for the interim record of decision amendment for the FMC Operable Unit.”¹ This project plan is intended to organize and frame the technology review (Phase 1) of the independent review.
2. **Draft Project Schedule**
 - January 2014 (Month 1): EPA identifies Agency project participants and begins project planning. [Completed]
 - February 2014 (Month 2):
 - EPA drafts *Project Plan, Roles and Responsibilities*, and *Work Order* for Interagency Agreement (IAG) [Completed]
 - EPA and Tribes conduct conference call to introduce project participants, summarize EPA project roles, and discuss next steps. [Completed 2/26/14]
 - March 2014 (Month 3):
 - EPA provides Tribes with drafts of *Project Plan, Roles and Responsibilities*, and *IAG Work Order* for review [Completed 3/7/14]
 - EPA, Tribes, and Argonne conduct meeting to discuss comments on Draft *Project Plan, Roles and Responsibilities*, and *IAG Work Order* [Proposed for 3/24/14 or 3/25/14]
 - EPA completes transfer of management of Cooperative Agreement (CAG) to OSRTI
 - April 2014 (Month 4):
 - Tribes provide any written comments on documents and applicable technical information for Expert Review Team (“Team”) consideration (by 2 weeks after meeting)
 - EPA considers comments on *Project Plan, Roles and Responsibilities*, and *Work Order* and provides revised documents to Tribe (by 2 weeks after receiving comments)
 - May 2014 (Month 5):
 - EPA and Tribes have conference call to discuss any additional comments (by 2 weeks after sending revised documents)
 - EPA finalizes documents, and provides revised *IAG Work Order* and applicable information to Argonne (by 2 weeks after conference call)
 - June 2014 (Month 6):
 - Argonne begins effort; forms Expert Review Team
 - Argonne, Expert Review Team, EPA and Tribe conduct technical site visit [Date TBD]
 - July-October 2014 (Months 7-10)
 - Argonne and Expert Review Team conduct review independently
 - Argonne delivers *Draft Report*

¹USEPA. Bob Perciasepe Letter to Chairman Nathan Small, July 10, 2012.

- Argonne gives *Presentation* summarizing report (e.g., webinar)
- November- December 2014 (Months 11-12)
 - EPA and Tribes review *Draft Report* and each transmit any *Comments on Draft Report* to Argonne (6 weeks after receiving report)
- January- February 2015 (Months 13-14):
 - Argonne prepares and issues final *Report* and *Response to Comments* [8 weeks after receiving comments]

3. Project Plan Attachments

- ***Attachment 1: Roles and Responsibilities:*** Lists project participants and their roles and responsibilities for the duration of the project
- ***Attachment 2: IAG Work Order:*** Formal document that describes scope of work to be undertaken by Argonne; based on original study framework²
- ***Attachment 3: List of Applicable Technical Information:*** List of available reference material and Internet links of potential use to Team

4. IAG Deliverables

- ***Draft Technology Review of Excavation and Treatment Technologies for Soil Contaminated with Elemental Phosphorus at the FMC Operable Unit ("Draft Report"):*** Draft Report prepared by Argonne under the IAG with EPA and in accordance with the *IAG Work Order*
- ***PowerPoint Presentation of Draft Report:*** Summary of draft report presented by Argonne to project participants
- ***Final Technology Review of Excavation and Treatment Technologies for Soil Contaminated with Elemental Phosphorus at the FMC Operable Unit ("Final Report"):*** Final Report prepared by Argonne under the IAG with EPA and in accordance with the *IAG Work Order*
- ***Response to Comments on Draft Report:*** Formal response to all comments submitted on *Draft Report*

² Bob Perciasepe's July 10, 2012 Letter Attachment entitled "EPA's Draft Proposal to Commission an Independent Review of Excavation/Treatment Technologies for the FMC Operable Unit of the Eastern Michaud Superfund Site."

Attachment 1
Roles and Responsibilities
(Draft 3/7/14)

1) EPA/OSRTI

- a) Serve as Project Officer for Interagency Agreement (IAG) with Argonne National Laboratory and Cooperative Agreement with Shoshone-Bannock (Michael Adam, TIFSD)
- b) Coordinate overall project oversight (Silvina Fonseca (ARD), Greg Gervais (TIFSD))
 - Ensure adherence to schedule/budget
 - Coordinate conference calls and meetings
 - Communicate with applicable Tribal representatives on any issues related to Independent Review (Gervais)
- c) Lead project planning and report review (Linda Fiedler, TIFSD)
 - Prepare draft/final project planning documents
 - Provide any additional technical information to Argonne
 - Coordinate review of draft Report and Response to Comments

2) EPA/Region 10

- a) Provide site information and other support to EPA Headquarters staff and technical lead, as needed (e.g., site documents) (Kevin Rochlin)
- b) Communicate with Shoshone-Bannock Tribes on issues unrelated to Independent Review (Beth Sheldrake and Rochlin)
- c) Coordinate site visit logistics (Rochlin)

3) Argonne National Laboratory

- a) Facilitate meetings
- b) Select Independent Expert Review Team members
- c) Manage Team and conduct Technology Review
- d) Produce deliverables
- e) Report progress to Project Officer as required by IAG

4) Shoshone-Bannock Tribes

- a) Select/employ technical representative(s) for project (David Reisman) [completed]
- b) Receive technical support from technical representative
- c) Comment on draft planning documents and draft reports
- d) Provide any additional technical information for Expert Review Team members

5) FMC (RP)

- a) Receives copy of final documents

ARD-Assessment and Remediation Division
 TIFSD-Technology Information and Field Services Division
 IAG-Interagency Agreement
 RP- Responsible Party

Attachment 2
****DRAFT** IAG Work Order**
(Draft 3/7/14)

Background: In September 2012, the EPA issued an [Interim Record of Decision Amendment](#) for the FMC Operable Unit at the Eastern Michaud Flats Superfund site in Pocatello, Idaho. In the Remedial Investigation/Feasibility study, a review of technologies that could be implemented to address the elemental phosphorous in soil (the principal threat waste) was conducted. Based on that review and using CERCLA's nine criteria, EPA determined that capping was the preferred approach. However, the Shoshone-Bannock Tribes, a major stakeholder, favor the permanent removal of and/or treatment of contaminants. The Tribes have expressed concerns regarding the previous review conducted on potential treatment technologies. To address the Tribes' concerns, EPA has agreed to commission an Independent Review of excavation and treatment technologies (ETT) for soils contaminated with elemental phosphorous to further inform the assessment of potential ETT.

Purpose: The U.S. Environmental Protection Agency (EPA) is committed to working closely with the Shoshone-Bannock Tribes (Tribes) in framing and conducting this Independent Review of ETT for soil contaminated with elemental phosphorous. The EPA and the Tribes agree that such a review should be conducted by an independent, objective entity capable of assembling world-class expertise on the subject matter. The EPA believes, and the Tribes concur, that the Argonne National Laboratory (ANL) offers these attributes. The results of this unique effort will ultimately supplement the extensive evaluation of treatment technologies and will be added to the record for the final remedy decision related to the FMC Operable Unit.

The Review: The Independent Review of ETT will be conducted in one or possibly two phases. Phase 1 is the subject of this Work Order and will involve profiling possible ETT relative to the FMC OU. Phase 2 of this effort may be undertaken if the EPA, with input from the Tribes, determines that the results of Phase 1 merit additional evaluation. (Note: The scope of Phase 2 has not yet been developed, however, it may include a preliminary design analysis, and identification of additional studies or evaluations related to implementability, effectiveness, costs, health and safety or other concerns. Funding for Phase 2 has not been secured by EPA, and conducting Phase 2, if needed, will be dependent on available resources. Phase 2 is not included within this current tasking.)

The scope of Phase 1 will include, at a minimum, the following:

- Establishment of an Expert Review Team and Conflict of Interest Plan – To form the Review Team, Argonne will identify, select, and if necessary enter into a contractual relationship with, individuals who have expertise in technical areas relevant to this evaluation. Types of expertise may be related to, but are not limited to, elemental phosphorus chemistry, contaminant fate and transport, excavation of ignitable and reactive materials, and ex situ or in situ treatment of elemental phosphorus or similar waste. Argonne will determine the number and affiliation of the members of the Review Team. Argonne will develop a *Conflict of Interest (COI) Plan* that identifies affiliations or activities that would constitute COI related to participation on the Review Team.

- Review Existing Site Characterization Information – Existing information regarding site-specific conditions, such as contaminant concentrations and locations, will be provided to the Review Team. No additional sampling will be commissioned or undertaken to support this review.
- Extent of Review – The review will be limited to identifying and profiling ETT for elemental phosphorous in soil (the principal threat waste) only. Other contaminants or media will not be evaluated unless it is determined that they impact the efficacy of an ETT.
- Technologies – The review will identify technologies (in situ and ex situ) from existing applied research, bench-scale, pilot and/or operational situations that are relevant to the conditions found at the FMC OU.
- Applicability – For those ETT identified and profiled, the review will evaluate their applicability to the conditions found at FMC throughout the OU or any sub areas of the FMC OU.
- Efficacy and Feasibility– The review will also profile the expected efficacy and feasibility of ETT identified and profiled, particularly in facilitating safe implementation given the site specific conditions at the FMC OU.
- Risks – The review will identify and describe the expected risks associated with implementation of those ETT identified and profiled.
- Costs – The review will provide cost estimates for each ETT identified and profiled. These estimates will include costs necessary to mitigate any risk(s) identified in the previous bullet.

In addition the review will not contain the following:

- Evaluation of remedial technologies against the CERCLA nine criteria
- Recommendations

Products:

- Argonne will provide a *Draft Report* to EPA and the Tribes for review and comment followed by a *Final Report*. The *Report* will contain a detailed description of the methodology used to conduct the review, as well as the components described above.
- Argonne will prepare a *Response to Comments on Draft Report* as a separate product.
- Argonne will prepare and present a PowerPoint presentation to EPA and the Tribes that summarizes the contents of the *Report*. The presentation will occur shortly after deliver of the *Draft Report*.

Status Reports: As part of the monthly IAG reporting, Argonne will provide a brief status update of the effort, such as the general stage of the review, the percentage completed, and any changes in the schedule. This status will be shared with the EPA team members and the Shoshone-Banock Tribes.

Schedule: The review process through the submittal of the draft Report may take up to about five months following the signing of the Work Order by the EPA Project Officer (PO). The EPA and Tribal review of the draft Report will take approximately 2 months. Argonne will deliver the *Final Report* and the *Response to Comments*, approximately 2 months after receiving EPA and Tribal comments and approval by the EPA Project Officer. It is expected that the project will be completed within 10 months from the date of approval of the Work Order by the EPA PO.

Attachment 3
List of Applicable Technical Information
(Draft 3/7/14)

[List of available reference material and Internet links of potential use to Expert Review Team]

1. [Eastern Michaud Flats Contamination Website](#)
2. [Interim Record of Decision Amendment for the Eastern Michaud Flats Superfund Site, FMC Operable Unit \(PDF\)](#) (299 pp, 19MB) - October 2012
3. [Site-Wide Gas Assessment Report for FMC Operable Unit \(PDF\)](#) (196 pp, 24MB) - December 2010
4. [1998 Superfund Record of Decision \(ROD\) ID Number: EPA/541/R-98/034 Text Only \(PDF\)](#) (172 pp, 285K)- June 8, 1998
5. [1998 Superfund Record of Decision \(ROD\) ID Number: EPA/541/R-98/034 with Maps/Tables \(PDF\)](#) (227 pp, 15MB) - June 8, 1998
 - a. [1998 ROD color Figures \(PDF\)](#) (9 pp, 6MB)
6. [FMC Plant OU – Interim CERCLA 2009 Groundwater Monitoring Report \(PDF\)](#) (173 pp, 2MB) - February 2011
7. [Ready for Reuse Determination FMC Plant Operable Unit, SRIA Parcels 4 to 6 \(PDF\)](#) (29 pp, 12MB) - November 2010
8. [FMC Supplemental Feasibility Study \(PDF\)](#) (413 pp, 27MB) - July 2010
9. [FMC Supplemental Feasibility Study Appendices \(PDF\)](#) (1038 pp, 34MB) - July 2010
10. [FMC Supplemental Feasibility Study Revised Work Plan \(PDF\)](#) (271 pp, 8.6MB) - March 2010
11. [FMC Supplemental Remedial Investigation Volume 1: Report \(PDF\)](#) (586 pp, 25MB) - January 2010 (Appendices are available for review at any repository location, or upon request to [Kira Lynch](mailto:lynch.kira@epa.gov) (lynch.kira@epa.gov) / 206-553-2144)
12. [FMC Supplemental Remedial Investigation Addendum Report \(PDF\)](#) (157 pp, 11.7MB) - January 2010 (Appendices are available upon request to [Kira Lynch](mailto:lynch.kira@epa.gov) (lynch.kira@epa.gov) / 206-553-2144)
13. [FMC Groundwater Current Conditions Report \(PDF\)](#) (429 pp, 10.8MB) - June 2009
14. [Tables and Figures \(PDF\)](#) (115 pp, 12.6MB)
15. [Appendices \(PDF\)](#) (890 pp, 24.3MB)
16. [Statement of Work \(PDF\)](#) (20 pp, 159K) - October 9, 2003
17. [Figure 1 Map \(PDF\)](#) (1 page, 96K)
18. [Figure 2 Decision Tree \(PDF\)](#) (1 page, 47K)
19. [Remediation of P4 Contaminated Matrices at FMC, Pocatello, Idaho \(PDF\)](#) (19 pp) US Army Corps of Engineers (Marianne E. Walsh) January 2009
20. [Treatment Technologies for Historical Ponds Containing Elemental Phosphorus - Summary and Evaluation \(PDF\)](#) (98pp) USEPA EPA 542-R-03-013, August 2003
21. [Administrative Record Index \(PDF\)](#) (111 pp, 433K)